

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Malquisua Mendez

-v-

Michael Sposato, et al.

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ORDER OF DISMISSAL FOR  
LACK OF ACTIVITY  
ADOPTING REPORT & RECOMMENDATION  
CV 10-3681 (JS) (GRB)  
CV 10-5219 (JS) (GRB)

APPEARANCES:

For Plaintiff(s):  
Malquisua Mendez, Pro Se\*  
10-A-5370  
Mid-State Correctional Facility  
P.O. Box 2500  
Marcy NY 13403

For Defendant(s):  
Peter Laserna, Esq.  
Nassau Co. Attorney's Office  
1 West St.  
Mineola NY 11501

SEYBERT, DISTRICT JUDGE:

The above-captioned cases were filed on Aug. 11 and Nov. 8,  
2010.

In his Report & Recommendation (docket entry [28] on CV 10-3681 and [23] on CV 10-5219), Magistrate Judge Gary R. Brown provided a detailed history of the progress of the cases. This Court finds ample justification to act as recommended.

Absent any objection, the Report & Recommendation is ADOPTED in its entirety. For the reasons stated therein, the Motions to dismiss (docket entry [25] on CV 10-3681 and [20] on CV 10-5219) are GRANTED.

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\* According to the New York State Corrections website, the plaintiff was released on Mar. 21, 2012, pursuant to an Immigration detainer. He has not provided a current address, so a copy of this order will be sent to the facility listed on the docket.

IT IS HEREBY ORDERED that these cases be dismissed with prejudice for failure to comply with court orders and lack of prosecution, pursuant to Rules 37 and 41(b) of the Federal Rules of Civil Procedure. The Clerk of Court is directed to mark both cases closed.

SO ORDERED.

*/s/ JOANNA SEYBERT*

*JOANNA SEYBERT, U.S.D.J.*

Dated: Central Islip, New York  
Apr. 26, 2012